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# **Beyond Moral Panic: Negotiation Theory and University Strikes in Nigeria**

**Isaac Olawale Albert**

“Moral panic” is a concept of growing importance in the social sciences. It has to do with the emotional reaction of the media, the public, and agents of social control to an emerging or anticipated social problem. My paper uses this concept to portray how Nigerians react to the incessant industrial action by members of the Academic Staff Union of Universities (ASUU) since the 1990s. During these many strikes, which often last for months, Nigerian universities and private businesses domiciled in them are shut down. Members of the public often cast the Academic Staff Union of Universities (ASUU)/Federal Government (FG) face-offs in moral mode and find it easier to blame ASUU more than the government for keeping students out of the classroom. This paper argues that moral panics are now part of the problem rather than a solution. It explains why ASUU suspended its past strikes prematurely without achieving its goal, only to return to same issues shortly after. This “popular outcry against ASUU” explains why the government takes too long to consider the union’s demands for improving the funding of Nigerian universities. Taking the foregoing into consideration, the paper locates a more scientific explanation of the problems in the contexts of (i) obvious poor funding of Nigerian universities as evident in decayed infrastructure and low morale of staff; (ii) government’s lack of capacity to negotiate altruistically with ASUU; (iii) government’s reluctance to implement agreements reached with the university teachers; and (iv) lack of a vibrant civil society in Nigeria that is deeply concerned with the conditions of Nigerian universities. Some recommendations are made on how to solve the problem.

## **Introduction**

There are five competing strategies for dealing with a conflict. These are (i) avoidance or denial; (ii) strategic withdrawal; (iii) confrontation; (iv) third party decision making; and (v) joint problem solving. Avoidance or denial has to do with not taking any action on the problem due to either lack of appropriate capacity to do so or because there is no envisaged sanction for not solving the problem. This is sometimes called indifference, impunity, or a win/lose strategy. Strategic withdrawal looks much like avoidance on the surface but it means something else. In this case, action is not taken NOW or existing action is suspended because a future scenario requiring definite actions is envisaged. The third conflict handling style, confrontation, has to do with forcing a solution on one’s opponent. The outcome of the conflict in this case has to do with which of the parties is more powerful. Third party decision making has to do with taking the conflict before a third party with decision making power for adjudication. The last, that is joint problem solving, has to do with the parties working collaboratively to deal with the problem.

The present paper has to do with three of these strategies: confrontation, avoidance, and joint problem solving. In the context of this paper, confrontation has to do with the use

of strikes to deal with the industrial dispute between the Academic Staff Union of Universities (ASUU) and Federal Government (FG). Avoidance has to do with either not going on strike or speedily calling off the strike because of the moral panic in the society. On the other hand, negotiation which is considered to be an alternative to industrial strike is a joint problem solving mechanism. The other joint problem solving strategies that could have been used in addressing the ASUU/FG crisis are conciliation, mediation, and to a limited extent, arbitration. The central argument of this paper is that strikes by ASUU are incessant in Nigeria largely because the Nigerian state with which the union contends often finds it difficult to actionably negotiate or implement the terms of the negotiations it entered to in the past. During these strikes, universities are shut down sometimes for as long as six months. The media and Nigerian public often blame ASUU for being immoral for going on strike. This paper takes the discourse beyond the moral panic perspective.

### **Background to ASUU Strikes**

The ASUU is one of the five main trade unions in Nigerian universities. The four others are the Senior Staff Association of Universities, Teaching Hospitals, Research Institutes and Affiliated Institutions (now known as the Senior Staff Association of Nigerian Universities), the Non-Academic Staff Union of Universities, and the Association of Senior University Technologists of Nigeria. Another critical stakeholder in the Nigerian university, which though not a trade union, is that National Association of Nigerian Students. All of these unions and associations have at one time or the other played crucial roles in getting the Nigerian state to improve on conditions of Nigerian universities. The present paper is on ASUU. It was established in the 1970s under the Trade Unions Decree No. 22 of 1978 to advance the interests of teaching staff of Nigerian universities.

ASUU's emergence in the late 1970s was a logical reaction to the mismanagement of the Nigerian economy from the 1960s to the 1970s, and most especially the collapse of the Nigerian economy in the 1970s and the subscription of the country to the structural adjustment program of the World Bank and the International Monetary Fund in the 1980s. From the inception of the country in 1914, Nigeria's economy depended on agricultural productions until the oil boom of the 1970s. The oil boom undermined the agricultural sector as foreign exchange earner but failed to develop the country as the oil resources were either stolen by Nigerian leaders or invested on white elephant projects. The country's economy literally grounded to a halt in the late 1970s with the global glut of the oil market.<sup>1</sup> Nigeria was pushed into deeper crisis when it subscribed to spell this out here Structural Adjustment Programme (SAP) in the second half of 1986 as an economic recovery measure. The program which was initially meant to last for two years but later extended indefinitely aimed to build Nigeria's external reserves, promote exports, and achieve economic self-reliance and a realistic exchange rate for Nigeria. The implementation affected aspects of Nigeria's social, economic, and political lives.

SAP led to a gradual deterioration of the teaching and learning environment in Nigerian universities as the government withdrew subsidies to the education sector. As

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<sup>1</sup> M. O. Kayode and Yusuf Bala Usman (eds.), *Nigeria since independence: The economy*, Volume II, Ibadan: Heinemann Books, 1989; M. O. Omolayole, "The challenge of a recessed economy," Nigerian Institute of Social and Economic Research Ibadan Distinguished Lecture, January 6 1984.

Professor Mahdi Adamu, the former Vice Chancellor of the Usmanu Dan Fodio University in Sokoto, claimed in an interview published by *Newswatch* (1990, p. 14), the crisis of university education in Nigeria climbed up to a frightening stage in 1987 when government's grants to Nigerian universities were reduced to 30% from what it used to be. What was available to Nigerian universities by 1989 was barely enough to pay staff salaries. As a result of this, the teaching and research facilities of Nigerian universities, as well as the physical structures of the institutions, started collapsing. Import restrictions made it difficult for the Universities to have access to books and journals (Bankole, 1988, p. 21). Laboratories could no longer replenish their stock. Yet, student enrollment was increasing due to quest for tertiary education by citizens. All of these problems and worsening conditions of service forced many Nigerian academics to start leaving the country for greener pastures abroad. Doctoral students abroad refused to return to the country.

The initial protests against the conditions of the Nigerian universities were championed by students in the early 1980s. The greatest of these protests was the anti-SAP riot of May 1989 leading to the closure of almost all Nigerian universities for five months. The universities were reopened with the intervention of some Nigerian traditional rulers, led by the Ooni of Ife, Oba Okunade Sijuwade Olubuse (Albert 1995, 384).<sup>2</sup> Thereafter, the government clamped down on legitimate student unionism in Nigerian institutions of higher learning and students with the blood of activism in their veins had to go underground and organised into various forms of cultist groups. This marked the advent of "campus cultism" in Nigeria. Like every underground activity, these campus cults took to all manners of criminal activities thus adding to the problems faced by their institutions (Albert 1995, Obasi 1991).<sup>3</sup> On the other hand, the so called "student unions" in Nigerian universities today are powerless and at best used by politicians during their political campaigns.

The foregoing revolutionized ASUU. It now had to fight for the students (by asking for improving learning and living environment) in addition to ensuring that the welfare of its members and work environment are properly addressed by the government. It resorted to strikes when it realized, as many other groups do that "the only language Nigerian leaders understand is force." The three other main union of teachers in Nigerian institutions of higher learning - the Academic Staff Union of Universities (ASUU), the Academic Union of Polytechnics, and the Colleges of Education Academic Staff Union—also became notorious for going on strike.

ASUU's strikes often revolve around three issues: improved teaching and learning environment for students, staff welfare, and autonomy of the universities against the overbearing influence of government. While some scholars consider the impact of the

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<sup>2</sup> See Isaac Olawale Albert, "The University Students in the Nigerian Politics of Structural Adjustment" in Thandika Mkandawire and Adebayo Olukoshi (eds.), *Between Liberalization and Oppression: The Politics of Structural Adjustment in Africa*, Dakar: CODESRIA, 1995 p. 384.

<sup>3</sup> I. O. Albert, "The University Students in the Nigerian Politics of Structural Adjustment" in Thandika Mkandawire and Adebayo Olukoshi (eds.), *Between Liberalization and Oppression: The Politics of Structural Adjustment in Africa*, Dakar: CODESRIA, 1995; I.N. Obasi, "ASUU-Government conflict in Nigeria: An investigation into the roots, character and management of ASUU strikes," Unpublished Ph.D. thesis, University of Nigeria, Nsukka, Nigeria, 1991.

strikes to be negative others feel that without them the conditions of Nigerian universities would have been worse<sup>4</sup> today. Professor Atahiru Jega, who was once a President of the union, particularly observed that the impact is more positive than negative but the university teachers are often demonised successfully by the government because of its control of the media. He argued that the strikes have “led, over time, to greater transparency and accountability in the university system, although at great physical, psychological and material costs to union activists and leaders, many of whom have been harassed, detained, dismissed and/or victimised by both the vice-chancellors and the national security outfits” (Jega, 2009, p. 233).

What makes ASUU strikes to be of nightmarish concern to Nigeria since the 1990s is their frequency, sheer length, pervasiveness, and complexity of the demands of the university teachers. Associated with these is the penchant of governments not to take the universities serious at the early stage of each of the strikes. In 1994, ASUU went on strike for six months. In 1995, it was five months. It downed tools for seven months in 1996. It was five months in 1998, five months in 1999, two months in 2001, three months in 2002, and six months in 2003 which ended in 2004. It went on strike for two weeks in 2005, one week in 2006, three months in 2007<sup>5</sup>, one week in 2008, four months in 2009, five months in 2010, and three months in 2011 which ended in 2012 (Agbo, 2013). The 2013 strike lasted for six months. The moral panics around ASUU strike resulted from this.

### The 2013 ASUU Strike

The 2013 strike, which was the most controversial of the strikes, emanated from government’s refusal to implement the terms of the agreement reached with ASUU in 2009. The 2009 agreement was signed in October that year after a negotiation process that lasted for three years between the lecturers and a government team appointed by then-Education Minister Obiageli Ezekwesili. The government team was led by the then-Pro-chancellor of the University of Ibadan Chief Gamaliel Onosode. The terms of the agreement included issues related to improved funding of universities, university autonomy and academic freedom, amendment of pensionable retirement age of academics in the professorial cadre, federal government assistance to state universities, establishment of the Nigerian University Pension Management Committee (NUPEMCO) and progressive

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<sup>4</sup> B. Beckman and A.M. Jega, “Scholars and democratic politics in Nigeria,” *Review of African Political Economy*, No. 65, 1997; A.M. Jega, “Unions and conflict management of the universities,” *Issue*, Volume XXIV/1, 1996 pp. 61-63; Attahiru M. Jega, “Unions and university governance in Nigeria,” in Isaac Olawale Albert (ed.), *Praxis of political concepts and clichés in Nigeria’s fourth republic*, Ibadan: Bookcraft, 2009 pp. 231-244.

<sup>5</sup> The 2007 strike ended with a renegotiation of the 2001 agreements. The Federal Government team was led by Deacon Gamaliel Onosode and that of ASUU led by then President, Dr Abdullahi Sule-Kano. The main goal was to renegotiate the 2001 agreement which focused on the following: (i) reversing the decay in the university system, in order to reposition it for greater responsibilities in national development; (ii) reversing the brain drain, not only by enhancing the remuneration of academic staff, but also by disengaging them from the encumbrances of a unified civil service wage structure; (iii) restoring Nigerian universities, through immediate, massive and sustained financial intervention; and (iv) ensuring genuine university autonomy and academic freedom.

increase in annual budgetary allocation to education to 26% between 2009 and 2020, and earned allowances. Under the agreement federal universities were to get at least N1.5 trillion between 2009 and 2011. The ultimate goal of the agreement was to move the government in the direction of committing at least 26% of Nigeria's annual budget was allocated to education, with half of that allocation to universities. The agreement was signed by then-Chairman of Committee of Pro-Chancellors of Federal Universities Dr. Bolanle Babalakin, chairman of the re-negotiation committee Gamaliel Onosode, and then-president of ASUU Ukachukwu Awuzei.

All efforts made by ASUU to get the 2009 agreements implemented failed and this why the union went on strike in 2013. The strike was preceded by a two-week warning strike in March 2013, in which ASUU signalled its intention to declare a trade dispute with the FG. There were also several administrative moves by the leadership of ASUU to get the government to respond and accede to its demands. From 2009 to 2013, ASUU claimed to have written 351 letters and held 150 meetings with Nigerian state officials on the implementation of the agreements with now concrete outcomes (Sa'idu, GimbaYaya, & Adebayo, 2013). What the government wanted was to renegotiate the 2009 agreement rather than implement it. The reason for the renegotiation, according to the Minister for Labour and Productivity Chief Emeka Wogu was to clear "some grey areas" in the agreements, which he said were put in place before the coming into office of the administration of President Goodluck Jonathan. According to him, the government would need some time to critically study the situation and his advice was that "while we are still talking, we are pleading with ASUU to go back to their work" (Fabiya, Affe, & Opara, 2013, p. 14). Several other state officials called on ASUU to call off the strike. These included Minister of Education Prof. Ruqayyatu Rufai, Executive Secretary Prof. Julius Okogie, the National Universities Commission, and President Goodluck Jonathan. ASUU saw this as escapism and a cheap blackmail. To the union, the 2009 agreement was a product of a renegotiation of past agreements that the government failed to implement. It would therefore accept nothing short of a full implementation of the agreements.

ASUU maintained its hard position when it appeared before the joint National Assembly Committees on Education in Abuja on July 15, 2013. Chairman of the Union Dr. Nasir Fagge told the committee that only two out of the nine agreements had been met. He said, "We cannot renegotiate what was already agreed in 2009, so the best thing is, let government go and implement the aspects of the agreement as they have proposed to us themselves. Once that is done, I am confident that it will engender confidence among our members and our members nationwide will be able to review the situation at any moment and take appropriate decision" (cited by *Vanguard* 2009 July 16 2013, p.32). The ASUU President decried the situation whereby funds were being pumped into other sectors such as banking, aviation, and textiles that had challenges, yet education was continuously being neglected. He observed that Nigerian students and lecturers were continuously leaving the country to neighboring countries in search of better education and teaching conditions and threatened that members of this Union would not go back to work until the 2009 was fully implemented (*Vanguard* 2009 July 16 2013, p.32). According to him,

My only guess is that the supervising Minister of Education and the Federal Government must be ready to do what is right and implement the 2009 agreement, because that is the only solution to bring an end to the strike. All we have seen from the government in our

different meetings is begging: government begging us to keep patching up the education sector so we can continue to churn out half-baked graduates as a result of lack of infrastructure. (cited by *Vanguard* 2009 July 16 2013, p.32)

### **Moral Panic as a Response Mechanism**

The Nigerian media, members of the public, and other critical stakeholders usually respond to ASUU strikes through moral panics. A careful study of media reports and “street comments” suggests that questions are usually asked by critics during the strikes: (i) it is right for ASUU to lock students out of the classroom for as long as they often do? (ii) Is it right for the government to renege on implementing the terms of agreements reached with ASUU? and (iii) is it morally right for the University teachers to be paid their salary arrears at the end of the strikes? Those asking the first question are usually about 95% of the people; only about 4% queries the morality of the government not implementing the agreements it signed with ASUU while those querying the morality of paying the university teachers their salary arrears after strike would constitute not more than 1%.

The concept of moral panic, which has continued to gain increasing currency in social analysis for the past 40 years<sup>6</sup>, was coined by Young (1971) but was inclusively defined in 1972 by Cohen to reflect the reactions of the public, the media, and agents of social control to some unbecoming happenings in the society. According to Cohen, moral panic occurs when “A condition, episode, person or group of persons emerges to become defined as a threat to societal values or interests; its nature is presented in a stylised and stereotypical fashion by the mass media; the moral barricades are manned by editors, bishops, politicians or other right-thinking people” (Cohen, 1972, p. 9). Cohen (1972) argued that the subject of the panic could be novel and at other times it is an existing problem but now given a renewed attention by the mass public. In reality, moral panic is a mere “spur of the moment.” It dies out immediately a short term solution is found to be problem. Those engaged in this kind of sentimental reaction to problems are not interested in long term solutions to problems. It was within this framework that Cohen (1972) argues that “the panic passes over and is forgotten” (p. 9). However, it observed that in some cases, it leads to long term solutions. According to him, it could have “more serious and long lasting repercussion and might produce such changes as those in legal and social policy or even in the way society conceives itself” (Cohen, 1972, p. 9).

As earlier observed, the Nigerian public often respond to ASUU crises through moral panics. This results from the length of time that it takes to end the strikes. The number of the students usually affected by the strikes is instructive. In a report done on the general condition of Nigerian universities, Akaeze reported that there are 1,252,913 students in six federal and state universities across the country in 2013. Our own observation is that only two of these universities did not participate in the strikes in 2013: the Open University, which runs sandwich programs, and the University of Ilorin. They have 57,759 and 29,040 students respectively, meaning that those affected by ASUU strike are 1,166,144 (Akaeze,

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<sup>6</sup> See Standley Cohen, *Folk devils and moral panics: The creation of the Mods and Rockers*, Oxford: Basils, 1972; E. Goode and N.B. Yehuda, *Moral panics: The social construction of deviance*, Oxford: Blackwell, 1994; R. Burns and Charles Crawford, “School shootings, the media, and public fear: Ingredients for a moral panic,” *Crime, law and social change*, 32, pp. 147-168.

2014, p. 49). If each of these students has three sympathizers, this suggests that ASUU had over 3 million Nigerians to contend with apart from a hostile federal government. The “unfavourable public opinion against ASUU” usually cited in the media should be understood from this context. The matter is compounded when the government tries to explain the behavior of ASUU politically. In 2013, the union was accused of prolonging its strike because it was working for the opposition.

### Beyond Moral Panic

To understand the issues in the ASUU/FG face-offs and to be able to find lasting solutions to them, it is necessary to move beyond the existing moral panics. There is the need to go into negotiation theory that could help to identify the technical fault lines. The first point to make here is that negotiation is not a moral experiment but a purely strategic decision making process in which disputants seek to protect their defined interests through the informed use and handling of different forms of pressure tactics. Negotiation has to do with a clear identification of one’s interests and using appropriate strategies to defend them.

However, negotiation requires a measure of morality but not necessarily in the form of moral panic but in an organized manner. Even then, what is more evident in negotiation literature is the term “ethics” rather than “morality” though the two are usually linked. Lewicki, Saunders, and Barry (2006) defined morals as “. . . individual and personal beliefs about what is right and wrong” and ethics as “applied social standards for what is right and wrong in a particular situation, or a process for settling those standards” (p. 236). The difference is that whereas morals are more of a personal issue, ethics is public. In order words, individuals force certain morality on themselves while the society expects some ethical standards from us all while making critical decisions. Hence, ethics philosophically defines the world in which man lives in and prescribes rules for keeping the society together. Applied to the focus of this paper, the lesson of this differentiation is that the issues embedded in ASUU strike are better examined from the ethical than moral point of view. The main issue of concern here is “public good” in the long term.

In the course of the kind of negotiation ASUU experienced with the Nigerian state, the parties are expected to conduct themselves ethically. But there is no universal agreement on what these ethical standards should be. Drawing extensively from existing works, Lewicki, Saunders, and Barry (2006) provide the four standards for evaluating ethical conduct in a negotiation. The first has to do with choosing a course of action on the basis of results the person expects to achieve. Where a person wants the greatest return from a deal, he would stick to the best way for attaining it. This is called *end-result ethics*. The second involves choosing a course of action on the basis of one’s commitment to upholding appropriate rules and principles (e.g., the law) of the society. This is called *duty ethics* on the grounds that one’s action is based on existing principles, laws, and social standards established by the society and not any particular individual. The third ethical standard has to do with choosing a course of action on the basis of the norms, values, and strategy of one’s organization or community (e.g., the cultural values and norms). This is called *social contract ethics*. In this case, the rightness and wrongness of an action is dictated by the existing customs and norms of the particular community. The fourth and the last has to do with choosing a course of action on the basis of one’s personal convictions (e.g., what my conscience tells me to do). This is called *personalistic ethics*. In this case, one’s conscience



and moral standards dictates the steps to be taken. This particular ethical standard is much tied to morals which are largely in the private domain.

It was difficult for the government and ASUU to negotiate successfully in 2013 and in the past because the former pursue end result ethics while ASUU is a stickler to duty ethics. It considers as its main duty the need to salvage the university system in Nigeria and prevent it from collapsing as experienced by primary and secondary school education in the country. ASUU approaches this ethical standard from two angles. The first is that it is the duty of the Nigerian state to invest on education of the youth as the future of any country is tied to the quality of education it provides. ASUU's complaint about poor funding of the Nigerian universities is a popular knowledge and the issue was given an extensive coverage in the January edition of the *Tell Magazine* in which pictures were shown of students running a laboratory that looks like a kitchen in the village. The magazine carried pictures of unhealthy classrooms, toilets, libraries, and so on for readers to see. The report of a committee set up by the federal government, popularly called NEEDS assessment, came to same conclusion that the Nigerian universities are not well funded by the government.

The second issue canvassed by ASUU is that it is the duty of every responsible government to implement the terms of an agreement it voluntarily signed with the labor. This is a key issue in duty ethics. It took three years for ASUU to get the controversial 2009 agreement signed and until the 2013 strike the federal government did not see the urgency of implementing the agreements. Comments by ASUU leadership during the 2013 strike also suggests that the union sought to force the government to implement the 2009 agreement as one of the strategies for getting the Nigerian state to act more responsibly as Nigerians seemed to have gotten used to the act of politicians not showing respect for the will of the people. In other words, the matter was beyond the universities and was part of the larger strategies for fixing Nigeria. Agbo (2013) seemed to have supported this position in his work when he asked,

Is there something mentally wrong with us as a people generally? Why do we lack the ability to consider the long term impact of some of our actions? Are our problems psychological? Are we in fact mad as some now suggest? Why do we expend so much energy discussing inanities while serious issues are left unattended to? . . . I ask these questions because we certainly engage in conduct that makes no sense and is often entirely abnormal. Taken down to its micro level, you see it happen almost unhindered every day: Don't maintain an aircraft and continue to fly it with its problems and expect that it repairs itself in the air. Sell your votes to corrupt politicians and vote them into office and later start complaining about poor health care facilities, bad roads etc. Appoint ministers and public officials based, not on merit, but regional sensibilities and later start complaining about incompetence. Buy multiple SUVs rather than fix bad roads. Buy bulletproof or armoured vehicles for "protection" since kidnappers, armed robbers and hired assassins are on the prowl. Graduate thousands of half-baked Nigerians from bad universities and then "encourage" them to go out there and create jobs! (p. 17)

Hence, during the 2013 strike ASUU insisted on full implementation of the agreement the government signed with it in 2009 to revamp the Nigerian university system. On the other hand, the federal government worked towards abrogating all agreements it reached with the union in the past. The body language of ASUU during the strike was that of a union that would not mind completely shutting down the Nigerian universities rather than

allow them to continue to run below optimal level. As the strike lasted, the government refused to pay the salaries of the university teachers believing that this would break their spirit but they were undeterred as the difficult environment within which they exist had already forced many of them to have alternative means of livelihood. At a stage the government threatened to sack all the lecturers and recruit new ones. ASUU encouraged the government to go carry its threats out. This led to a complete stalemate.

On the hand, parents of students in Nigerian universities are always committed to personalistic ethics during ASUU strike. All they seek is for their wards to graduate from the universities, well trained or not. It is within this framework that many of these parents and their sympathizers in the media resort to moral panic. To parents and a section of the media, ASUU members are selfish and not patriotic. ASUU warded off this allegation by claiming that when they go on strike, they focus more on the totality of the university environment more than staff welfare issues. For example, they argued that during the 2013 strike the only thing that affected them in the demand was the quest for settlement of their “earned allowances” which the government owed since 2009.

### **Some Technical Problems**

ASUU strikes result basically from government’s refusal to implement signed agreements. If the government was not interested in implementing an agreement, why then does not go into a negotiation leading to it? These questions are necessary for unlocking some of the problems in the ASUU/FG crises. The point was made at the beginning of this paper that there are five ways for responding to a conflict. When ASUU and FG sit down to negotiate, one would say they are committed to joint problem solving (JPS). But what has been noticed is that whereas ASUU would want such a negotiation process to be truly JPS, the government often approach it as a strategic withdrawal strategy. The belief of the government is that once ASUU is deceived into an agreement it would call off its strike and the matter would soon be swept under the carpet by not implementing the agreements or at worst the agreements would be renegotiated when ASUU declares the next trade dispute.

Another reason why the government was reluctant to commit itself to the implementation of the agreement came from David Mark when he said that those that represented the government did not negotiate well. He said, “ASUU simply took advantage of the ignorance of those who were sent and simply just allowed this agreement to go on because it is obvious that this is going to be very difficult piece of paper to implement. . . They found that those who were sent there simply didn’t know their right from their left and they just went ahead” (Ojiabor and Onogu 2013 p. 27). What the senate president was saying in this respect was that the representatives of the government lacked the capacity to negotiate actionably. That as it may, Mark argued that the government had the moral burden of implementing the agreements. He said,

. . . people must be told the truth, what can be accomplished and what cannot be accomplished. If a leader says I am going to accomplish this, he is morally duty bound to honour it. But even if you decided immediately after that you cannot accomplish it, I think it is only proper for you to go back and start renegotiating. But if you prolong it on the

basis that you are still going to honour it and you don't honour it, then it doesn't portray us in good light. (cited by Adamu, 2013, p. 23)

This position notwithstanding, the senate president asked ASUU to call off the strike to avoid losing public sympathy. The comments of Mark drew sharp negative reactions from members of the public. Commenting on the issue, Adamu observed like many other Nigerians that the situation,

... tells a lot about the lack of seriousness in public life that the Senate president will call a group headed by Chief Gamaliel Onosode as people who don't know what they are doing. If this is the expression of gratitude by the government for his three years of painstaking negotiations on its behalf, it leaves much to be desired; but if it is merely an expression of the appreciation of the situation by the Senate president, it desires much to be left ... Chief Onosode in fact cleared every major decision and every single aspect of the 2009 agreement with the government before proceeding with ASUU to the next item on his committee's agenda, and before signing the final document on its behalf ... If, as Senator David Mark said, he didn't know his left from his right, and, so, in effect didn't know what he was doing, it followed the government that appointed him and with which he consulted, and which at every stage accepted and okayed every decision he had made, knew even less. (Adamu, 2013, p. 23)

Mindful of the concerns with losing public sympathy, ASUU flexibly granted media interviews and organized a number of press conferences which enabled it to educate the public on some of the salient issues. The local chapters of the union attempted to reach the grassroots people by organizing a number of public protests but across the country the police stopped them from doing so by dispersing them with teargas. Reacting to this nationwide problem, ASUU Chairman Dr. Nasir Isa Faggae said,

In reality, this is a contradiction on the part of the government. When people are protesting against ASUU, under aegis that is not recognized by law, they do not face any opposition from law enforcement. But when law abiding unions like ours choose to exercise our rights, we are stopped by the police. The denial of the right to lawful assembly is a clear breach of the constitution. (Abayomi & Arenyeka, 2013, p. 6)

The public panic that continued also suggested that members of the public were really not following issues in the strike but were only concerned with the universities reopening. A number of things happened during the strike that ought to have challenged the Nigerian public to look at the issues from a different angle but this did not happen. There were several cases of corruption, some of which involved amounts of money that dwarfed ASUU demands. For example, in the last few weeks of the 2013 crisis, the government claimed it did not have the N200billion needed to open the university at a time that the senate confirmed that a few individuals stole more than N500billion from SURE-P fund. It was within this framework that the stalemate came out.

### **Strike as BATNA**

One of the tools for assessing a negotiation process that was promoted by Ury is better alternatives to negotiated settlement (BATNA). It technically refers to the other

alternatives that each of the disputants having and that is preventing them from seeking a negotiated settlement of the problem. As Lewicki, Saunders, and Barry (2006) observed, it clarifies what each of the disputants would do if an agreement cannot be reached (p. 37). On the other hand, it calls attention to the alternatives that a disputant has for rejecting negotiated settlement.

As argued above, the government failed to shift its grounds during ASUU strikes always believing that the moral panic in the society would force the teachers back to work. While refusing to respond to ASUU quest for the 2009 agreement to be implemented, it is common to find President Goodluck Jonathan starting or concluding their public addresses with appeals to the university teachers to call off their strikes “in the interest of our children.” This was a subtle way of blackmailing ASUU. Similarly, Vice President Namadi Sambo and several state governors appealed to ASUU to sheathe its sword and call off the strike in the interest of the students and the nation. In the fourth month of the strike, Senate Leader Victor Ndoma-Egba (Cross River Central) and 106 others sponsored a bill titled “Appeal to Academic Staff Union of Universities to call off the strike and return to work” in which they appealed to our children in moral panic. All of these steps further fuelled the moral panic in the society and encouraged the government to stay action in responding to ASUU demands. The belief of the government in this respect was that the public would force the university teachers back to work.

Finding it difficult to actually argue against the issues in the dispute that were actually in print for people to see, the government strengthened its angle to the moral panic it was stuck with by accusing ASUU of engaging on prolong strike because it was working with the opposition party—All Progressive Congress (APC) - to discredit the president. ASUU responded by saying APC was formed in 2013 but ASUU agreement was signed in 2009. The third BATNA available to the government was to adopt a policy of “no work, no pay” which the government felt would force the union members back to work most especially by dividing the file and rank of the teachers. All of these strategies made negotiation to be less attractive to the FG.

The first logical step when negotiation fails is to invite a mediator to facilitate the process. This is difficult not only for the ASUU/FG impasse but several others conflicts in the country: past sectarian conflicts,<sup>7</sup> Boko Haram, the conflict between the ruling party and the new People’s Democratic Party (PDP), and several other groups. The so called “eminent persons” in the country, most especially former heads of state, who could have intervened as mediators have always been part of every problem in the country. As far as the crisis facing the Nigerian universities is concerned, all past regimes had problems with ASUU. They were not committed to funding the universities. They therefore lack the moral fibre to offer themselves as mediators or be called upon to mediate in the dispute. Many Nigerians that could have served as mediators in the ASUU/FG face-off equally lack the moral credentials for such intervention as many of them are implicated in the fraud cases making Nigeria ungovernable. Hence, during ASUU strikes Nigerians simply fold their hands while those directly affected by the problem engage in moral panics.

Having failed to get the government to implement the 2009 agreement, the next option for ASUU would have been “denial/avoidance.” In practice, this would have meant calling

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<sup>7</sup> See Onigu Oteite and Isaac Olawale Albert (Eds.), *Community Conflicts in Nigeria: Management, Resolution and Transformation*, Ibadan: Spectrum Books, 1999.

off the strikes without attaining the goals for which they were organized. This would have spelt disaster for university education in Nigeria as currently experienced by primary and secondary school education. In today's Nigeria, only the poor grassroots people send their wards to public primary and secondary schools. Government abandoned them having subdued the "Nigerian Union of Teachers" at this lower level of the Nigerian educational system. Parents now send their children to private-owned primary and secondary schools owned by the same elite class that destroyed the government-owned ones. Same is already happening to the university system but for the lonesome intervention of ASUU.

As public universities are denied adequate funding, Nigerian political leaders are investing heavily in establishing private universities which they provide with the facilities they claim the government cannot afford. Hence, Bells University at Ota in Ogun State is owned by Chief Olusegun Obasanjo who was Nigeria's president from 1999 to 2007. His deputy while in office, Alhaji Atiku Abubakar, owns ABTI-American University of Nigeria in Yola; Chief Afe Babalola who was one of the lawyers of the ruling party under Obasanjo owns Afe Babalola University in Ado Ekiti. The Igbinedion University at Okada is owned by Chief Igbinedion, a big wig of the ruling party and the father of the former governor of Edo State. The widely acclaimed "godfather" of President Goodluck Jonathan, Chief Edwin Clark is currently building a "first class"<sup>8</sup> Edwin Clark **University of Technology in his hometown of Kiagbodo in Delta State** while Asari Dokubo, one of the ex-militants in the oil-rich Niger Delta owns a University in Benin Republic. The fear of ASUU is that if the government is not forced now to fund the federal universities, Nigerians might be forced to turn to these elite private universities where Nigerians are charged very high tuition and fees that average Nigerians cannot afford. Commenting on this morally charged position, Adamu (2013) observed that,

While meeting a negotiating partner in whom it has totally lost confidence is going to prove difficult for ASUU, it is nonetheless something that must be done. Along the way, ASUU has to accept that universities must reopen, and it must become realistic enough to accept that a government whose minister can unilaterally buy unauthorised materiel and bullet-proof cars for her use with an amount that is the equivalent of more the annual basic salary of one hundred professors is not the government that can be forced by logic or by university shutdown to see reason. (p. 17)

Right now, it is difficult for ASSU to resist the temptation and urge to ride the high horse thinking that it is involved in a great war on behalf of the civilization that is us—and it is. Even with ASUU, things have not become any better or at least not as good and as well as they should; but without ASUU there wouldn't have remained even the inkling of the semblance of an education system by now. The problem with the union's struggle is that it can be as altruistic as it is egocentrically personal, depending on how a viewer looks at it; but the import of its 2009 agreement with the government is largely for the salvation of the tertiary education system.

The most interesting aspect of the 2013 ASUU/FG face off is that both ASUU and FG felt it was doing the right thing and had a good case. This forces us to look at another key BATNA in the problem: use of "third party decision making"—the judiciary. Some radio

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<sup>8</sup> Vanguard, "At 86: Why I am establishing a University of Technology, by Clark," October 12, 2013.

and television commentators wondered why both FG and ASUU over the 2009 agreements. It seemed that the federal government could not go to court or arbitration panel to force ASUU back to work largely because of its awareness of the validity of the 2009 agreement. It was therefore difficult to venture before any court of law. The government also seemed to have strong believed that its moral panic pressure tactic would do the work. ASUU refused to go to court to enforce the implementation of the agreement for a different reason. Nigerian courts are trusted by only a few. The most senior of the judges have themselves said the courts are corrupt and manipulated by the government. This issue which is popular knowledge in the Nigerian society was confirmed by a former member of the ruling party, PDP, Murtala Nyako, the governor of Adamawa State who defected to APC. He observed *inter alia* that “The PDP hierarchy is corrupting our security and judicial institutions by the day” (Oyadongha, 2013, p. 23). Had ASUU ventured into going to court to press for enforcement of the 2009 agreements, the government would have stepped in immediately by asking the judges to order the lecturers back to work using whatever legal technicalities that pleases them. Nigerians are used to that type of scenario. This would have forced the lecturers to go back to government’s position on the matter: renegotiation of the 2009 agreements. One of the arguments of the government is already on the table. It is that the 2009 agreements were signed by a “junior civil servant” on behalf of the government. The Nigerian court would find this a sufficiently weighty excuse to annul the agreements. This possible “technical knockout” was why ASUU stayed away from the use of third party decision making process.

### **How the 2013 Strike Ended**

The 2013 ASUU strike ended with two high-power negotiations different from the abortive ones held with various groups. The first negotiation was with President Goodluck Jonathan and then another one with the minister for education. The negotiation with the President held on and lasted for hours, and there was an agreement which ASUU promised to take back to its members. As usually done by the union, the outcome of the agreements reached was taken to the chapters of the union across the nation. Most of the chapters were satisfied with the agreements and therefore asked for the strike to be called off but with a caveat: that the federal government formally sign the agreement ending the strike as well as the implementation plans. As leaders of the union were travelling to Kano where final decision would have been taken on the strike, one of its leaders, Professor Festus Iyayi of the University of Benin, died near Lokoja. He was killed in what was officially reported as a road accident with the convoy of the governor of Kogi State. A report on the accident suggests that he was killed. There were two bullet holes in his chest. Following this development, ASUU resolved not to continue with the peace talk until Iyayi was buried.

The date for the burial was fixed but ASUU decided to meet the government before then with the request that the agreements must first be signed before the lecturers would go back to work. This annoyed the minister of education who immediately issued an ultimatum to ASUU to return to work within one week or all the lecturers in Nigeria would be sacked. The Nigerian public was told that there was a stalemate because ASUU made “a new demand.” Vice chancellors were instructed to start recruiting new lecturers at the expiration of the ultimatum. The lecturers stuck to their guns that except the agreement was signed they would not go to work.

Those who did not understand what the minister was referring to as “new demand” went into another round of moral panic condemning the lecturers. Those who did, most especially the media, started asking government questions. How would signing terms of the agreements with the president constitute a new demand in a negotiation process? But once again, state officials started to mount pressure on the Nigerian public to call ASUU to order. Reacting to this new development, President Jonathan observed that the strike embarked upon by the ASUU was no longer a trade dispute, but a subversive action aimed at overthrowing his government. He said,

I have intervened in other labour issues before now, once I invite them they respond and after the meeting they take decision and call off the strike . . . What was expected having met with the highest authorities in the land for long hours, was for ASUU to immediately issue statement within 12 or latest 24 hours, to state their position whether they were accepting government’s offer or not. And if they are not accepting they should state the reason for that . . . But despite the fact that I had the longest meeting with ASUU in my political history, we did not start that meeting until around 2:00pm and the meeting ended the next day in the early hours . . . After that they didn’t meet until one week, despite the fact that you met with the highest authority. It was unfortunate one of them, Prof. Iyayi died . . . The way ASUU has conducted the matter shows they are extreme and when Iyayi died, they now said the strike was now indefinite, our children have been at home for over five months. (Oyadongha, 2013, p. 23)

The threat to sack all the lecturers in Nigeria by the federal government was the biggest mistake in the management of the strike. It was a bad ultimatum because there was no way that type of threat could have been achieved. It presented the government as ill-organized and also insensitive to the death of Iyayi. Before the commencement of the 2013 ASUU strike, Nigerian universities could not fill over 5,000 academic positions because of dearth of people with Ph.Ds. How then would the government find people to recruit for the universities after sacking the eminent professors teaching in them? The second point is that the expiry date for the ultimatum issued to the university lecturers was the very day that ASUU had fixed for burying Iyayi. This pathetic situation won sympathy for ASUU and public opinion started changing against the government. It was under this condition that the minister for education had to quickly comply with all that ASUU had asked for and the dispute was resolved. ASUU formally suspended the industrial action on December 17, 2013, after a meeting of its National Executive Committee in Minna, Niger State. But this was after the N200billion (over \$1 billion) promised by government as first instalment of the grants for fixing Nigerian universities was paid into a special account with the Central Bank of Nigeria and independently verified. The money was paid into the account in three tranches of N129.3 billion, N20.7 billion, and N50 billion.

At the joint meeting of the FG and ASUU where the public was told that duo had agreed on how to end the strike, the minister for education described ASUU’s struggle as borne out of patriotism. He saluted the courage of the union leaders. Similarly, the Ijaw Monitoring Group (IMG) representing the President’s ethnic group, the Ijaw made ASUU its “Man of the Year” for 2013. In a statement signed by Comrade Joseph Evah on behalf of the group the Ijaws saluted what it described as the patriotic spirit of ASUU members in their efforts to revive the collapsed educational system in Nigeria (national Mirror, 2014). The group argued that,

It will be recalled that the Ijaw Monitoring Group was the first organization to raise alarm in June 2013 begging the president to directly open talks with ASUU to avert a prolonged strike. ASUU won this battle for our children at a time Nelson Mandela the spirit behind ASUU strength was departing mother earth. ASUU like Mandela refused to be blackmailed and shift ground on what is a just demand for the future generation. (National Mirror, January 5 2014 p. 23)

If the strike was borne out of patriotism, as the minister for education and IMG claimed, why then did it take the government of Goodluck Jonathan six months to resolve it on terms not too different from what ASUU originally asked for?

### **The Challenge of Burden Sharing**

There are three critical stakeholders in the issue of ASUU/FG face offs in Nigeria. The first is a government that stopped funding the universities properly since the late 1970s and would enter into agreements with ASUU that it was not ready to implement. The second stakeholder is ASUU that would not mind shutting down Nigerian universities for months on regular basis pressing for demands that the government is usually reluctant to meet. The third are the Nigerian public that usually respond to the strikes with moral panics. This paper shows that the existing moral panics of the Nigerian public is not a sustainable solution to the problems facing Nigerian universities. Nigerian government rode on it in the past not to take ASUU demands seriously. As anticipated by the Nigerian public and government, the moral panics of the past succeeded in blackmailing the university teachers back to work without meeting their demands and this turned out to be the justification for the other strikes that followed. During the 2013 strike, ASUU refused to be blackmailed by moral panics; it stood its ground to meet its demand and this forced the government to commit over \$1billion to the improvement of the conditions of the Nigerian universities. The government also pledged to commit the same amount of money to university education the following year and in subsequent years until the lost glory of the universities are restored.

Is this the end of university strikes in Nigeria? It is only if both FG and ASUU revisited how they often respond to the disputes between them. The FG is known for not keeping agreements. One foresees the government not fully providing all it pledged to provide during the agreements leading to the end of the 2013 strike. It paid N200billion to end the strike and pledged to pay same amount next year. One does not see the government fully paying the next N200billion. ASUU must be willing to negotiate with the government to get part and not all of the money. The year 2015 when the money is expected to be paid is also an election year when Nigerians would be deciding whether or not to give President Goodluck Jonathan a second term. Should ASUU go on strike to press for full implementation of the 2013 agreements, the FG might simply ignore it and face the elections. As usual, the public would respond to the situation with moral panic.

In an article published in the *Punch* Newspaper, Professor Olukotun observed that the issue of workers going on strike has become entrenched in Nigeria. It is not limited to ASUU and these strikes have devastating effects on the society. He proffered some solutions that the ASUU/FG face offs could also benefit from. According to him:



Government must invest more in mapping and tracking the dysfunction in our institutions with a view to addressing the structural and contingent causes of destructive strikes. Budgeting paltry sums for health and education while maintaining obscene privileges for office holders are not ways to begin the agenda of creating relatively strike-free institutions. Also, the mechanisms and protocols of reconciliation and dialogue between employers and employees must be resuscitated and made functional. There is the need too, for government to prune its spending frivolities and conspicuous consumption which give the impression that money is not the problem but how to spend it, to deploy a statement made in the heydays of the oil boom. It is in the context of kinder, gentler governance tempo featuring a disciplined political elite that the enervating culture of strikes can be drastically reduced. (Olukotun, 2014, p. 34)

The way things are with Nigerian universities now suggest that the government alone can no longer carry the burden of financing university education. Yet, the government has refused to allow the universities to charge school fees to meet some of its needs. This makes it necessary for Nigerian universities to start working on how to contend with the challenging situations around them. It is necessary for these institutions to start working towards internal sustainability through rededication, pragmatism, innovativeness, and cutting edge competence, most especially in terms of cost rationalization and resource optimization. The revenue base of the institutions can be improved by investing in economic ventures and partnering with the private sector. Some universities are already doing this. The scholars working in these universities must also link up with industries and foreign agencies for grants that could help solve some of the problems. This was done successfully in the past but the present security situation scares away scholars that could do facility-enhancing collaborative work with Nigerian universities.

The Nigerian public, most especially parents, must come out of the moral panics of the past to embrace the doctrine of burden sharing in dealing with the crisis faced by Nigerian universities. For the university teachers in the country to stop going on strike, parents must brace up to the challenge of having their wards paying school fees in government universities as no world-class universities can or should run as Nigerian universities currently are. With the universities charging 10% of what the private universities charge strikes would become a thing of the past in the Nigerian university system.

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